

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1839, MORNING GLORY ESTATES COMMUNITY UNIT PLAN**, requested by Olsson Associates on behalf of Holdrege Investors, L.L.C. and the University Park Congregation of Jehovah's Witnesses, for 269 dwelling units, on property generally located at the northeast corner of No. 84th and Holdrege Streets.

STAFF RECOMMENDATION: Conditional Approval, as revised on February 14, 2001.

ASSOCIATED REQUESTS: Annexation No. 00006 (01-117); Change of Zone No. 3255 (01-118); Preliminary Plat No. 00011, Morning Glory Estates (01R-195); and Use Permit No. 128 (91R-196).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 2/21/01; 03/07/01; 03/21/01; 04/18/01
Administrative Action: 04/18/01

RECOMMENDATION: Conditional Approval, as revised, with amendments (8-0: Krieser, Taylor, Newman, Duvall, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. This community unit plan and the associated annexation, change of zone, preliminary plat and use permit were heard at the same time before the Planning Commission. This project had three continued public hearings. The minutes of the Planning Commission reflect testimony on the project as a whole.
2. The Planning staff recommendation to approve the community unit plan, with conditions, as revised, is based upon the "Analysis" as set forth on p.4-8, concluding that the purpose of providing preliminary plats is to "provide for the harmonious development of Lincoln and its environs; to prescribe the standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan...in such a manner so as to create conditions favorable to health, safety, convenience or prosperity..." (Section 26.03.0230). The developer has included the northwest lot in the request for a change of zone and within the Preliminary Plat, but has not incorporated it within the annexation and use permit requests. The developer is requesting waivers of the subdivision requirements to provide a use permit over that area, and to project a street through that area to the north. Such requests are not consistent with the purpose of orderly development. Churches are permitted uses in the B-2 district. The parcel could readily be incorporated into the proposed Use Permit. A street projection is necessary through the eastern side of that parcel to provide access and development opportunities to the property to the north. The sanitary sewer will be required to be extended from the north, along the eastern side of this parcel to serve the proposed development. The parcel must be annexed and included within the Use Permit.
3. The applicant's testimony is found on p.12-18, including proposed amendments to the conditions of approval. At the continued public hearing on April 18, 2001, the applicant advised that the church property has been included in the annexation and that the developer has reached an agreement with the church relative to construction of the private roadway. (See Minutes, p.15).
4. There was no testimony in opposition; however, the record consists of one letter from Scott Anderson with concerns about the private roadway and sanitary sewer (p.50). The applicant's response is found on p.15.
5. On 4/18/01, the Planning Commission voted 8-0 to agree with the staff recommendation of conditional approval, with the revisions submitted on 2/14/01 (p.48), and with the amendments requested by the applicant except the proposed amendment to Condition #1.2.9 and the deletion of Condition #1.2.8. Conditions #1.2.8 and #1.2.9 were amended by the Planning Commission. (See Conditions, p.9-11 and Minutes, p.18).
6. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\FSSP1839

DATE: July 16, 2001

DATE: July 16, 2001

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Morning Glory Estates
Annexation #00006
Change of Zone #3255
Special Permit #1839
Preliminary Plat #00011
Use Permit #128

DATE: February 6, 2001

****As Revised by Planning Commission, 4/18/01****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Gary Bredehoft, of Olsson Associates, on behalf of Holdrege Investors LLC and University Park Congregation of Jehovah's Witnesses, has applied for the following development proposals in the area generally located at the northeast corner of N. 84th and Holdrege Streets.

1. Annexation #00006 of approximately 53.67 acres
2. Change of Zone #3255 from AG Agricultural to R-3 and R-4 Residential, B-2 Planned Neighborhood Business District, and O-3 Office Park District
3. Special Permit #1839 Morning Glory Estates Community Unit Plan for 269 dwelling units
4. Preliminary Plat #00011 Morning Glory Estates, for 54 residential lots, 12 commercial lots and 2 outlots
5. Use Permit #128 for 153,000 square feet of office and commercial space

Requested waivers or variations from:

1. Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat
2. Section 26.23.030 requiring a street projection to the north
3. Section 26.23.095 requiring sidewalks on the east side of N. 86th Street
4. Section 26.23.140(e) to allow double frontage lots
5. Section 26.23.140(a) to allow lots with a depth of less than 120' abutting an arterial street
6. Section 26.23.125 requiring a pedestrian connection to the east
7. Design Standards Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers
8. Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches
9. Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

GENERAL INFORMATION:

APPLICANT: Gary Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
(402) 474-6311

OWNER

& DEVELOPER: Holdrege Investors, LLC
(Don Linscott contact)
5101 Central Park Drive, Ste 100
Lincoln, NE 68504
(402) 467-1234

University Park Congregation of
Jehovah's Witnesses, Inc
1900 N. 84th St.
Lincoln, NE 68505

LOCATION: Northeast corner of N. 84th & Holdrege Streets

LEGAL DESCRIPTION: General: The remaining portions of Lots 93 and 94, I.T. located in the Southwest Quarter of Section 14, T10N, R7E, Lancaster County, Nebraska. (See attached legal descriptions for each application.)

SIZE: Annexation:	Proposed 47.16 acres, Recommended 53.67 acres
<u>Changes of Zone:</u>	
Ag to R-3	15.7 acres
Ag to R-4	15.11 acres
Ag to B-2	14.5 acres
Ag to O-3	8.34 acres
Special Permit (CUP)	30.83 acres
Preliminary Plat	53.67 acres
Use Permit	Proposed 15.94 acres, Recommended 22.84 acres

EXISTING ZONING: AG Agricultural

EXISTING LAND USE: Agricultural

SURROUNDING LAND USE AND ZONING: Zoned AG agricultural to the north, east and southeast with agricultural, single family acreage and church uses; zoned O-3 Office Park District to the south with rural fire station and ground under development; zoned B-2 Planned Neighborhood District and H-4 General Commercial District to the west with commercial uses under development.

COMPREHENSIVE PLAN SPECIFICATIONS: Shown for commercial and urban residential uses in the 1994 Lincoln-Lancaster County Comprehensive Plan.

HISTORY: The N. 84th Street Subarea Plan was approved in 1998 showing this area for commercial and residential developments.

UTILITIES & SERVICES:

Sanitary Sewer: Sanitary sewer to serve this plat is required from the north side of the proposed plat to north of Leighton. The developer is responsible for the cost of this sewer. The developer must pay the connection fee to the City for outletting to the "Regent Heights" trunk sewer.

The Public Works Department stated that the waiver requested for the sanitary sewer outlet depth is satisfactory

Water

The Public Works Department noted that the developer must pay the 8" equivalent cost of the 16" water main in Holdrege adjacent to this plat.

The Public Works Department stated that a water main needs to be shown along the un-named street in Lot 1, Block 3.

Roads

The Public Works Department stated that the 40' easement for a future private street extended to the north in Lot 1, Block 3 must be revised to show this as a street, the same as other streets in the Preliminary Plat.

The Public Works Department noted that the grading and drainage plan must be revised to show a public or private street extended to the north. The street grades must be provided in accordance with design standards, and the plan must be revised to show the street grades. It appears that significant grading is needed to build this street. This affects the storm water detention and other required grading in Lot 2, Block 3.

The Public Works Department noted that the plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curblines to existing or proposed right-of-way must be shown.

Additional right-of-way dedication along Holdrege Street and along 84th Street is needed to construct the paving cross-section shown on the plans.

ANALYSIS:

1. This is a request for annexation, changes of zone, a community unit plan, a preliminary plat and a use permit.

Annexation:

2. The area of the church lot at the northwest corner of the site was included in the preliminary plat and change of zone request. However, that parcel was left out of the annexation and use permit request.
3. The church lot would be surrounded on three sides by the City limits, if it is not incorporated.
4. City policy is to include areas that would be surrounded by three sides in the annexation.
5. A road extension to the north is required through the church parcel.
6. The sanitary sewer to serve this plat must come from the north, and through the east end of the church parcel.
7. The preliminary discussions regarding the annexation always included the church property.

8. The applicant has requested a change of zone on the church property to B-2 and the church property is included within the Preliminary Plat.
9. The annexation should not be approved unless the church parcel is included.

Changes of Zone

10. The applicant has requested changes of zone from AG Agricultural to R-3 and R-4 Residential, B-2 Planned Neighborhood Business District, and O-3 Office Park District.
11. The area proposed for the residential zoning is shown within a Community Unit Plan, with a proposal for 269 dwelling units (216 multi-family and 53 single family units.) The proposed multi-family units are adjacent to agricultural land. A lower density would help with the transition to the area to the north and east.
12. The area proposed for O-3 is shown within a Use Permit, with a proposal for a 100,000 square foot office building.
13. Only half of the area proposed for the B-2 zoning is shown within the Use Permit, with a proposal for 53,000 square feet of commercial space. The applicant has requested B-2 zoning for the 6.4 acre lot occupied by the church, but has not included it within the Use Permit or the annexation request.

Special Permit (Community Unit Plan), Preliminary Plat, and Use Permit

Waiver Requests:

14. The developer has requested a waiver of Section 26.23.030 requiring a street projection to the north. A public access easement is proposed in lieu of a street. The proposed easement is not wide enough to accommodate a future street. The Public Works Department does not support the requested waiver, and has asked that the plans be revised to show a street connection to the north.
15. The applicant has requested a waiver of Section 26.23.095 requiring sidewalks on the east side of N. 86th Street. This is the residential side of the street, and residential lots back onto the street. The applicant has not shown an unusual circumstance to justify a waiver. Staff does not support this request.
16. The applicant has requested a waiver of Section 26.23.140(e) of the Subdivision Ordinance that requires the subdivision to be arranged in such a manner that there are no lots with double frontage. The proposed lot layout provides a beneficial circulation pattern for the single family development, and helps minimize traffic conflicts between the commercial and residential areas.
17. The applicant has requested a waiver of Section 26.23.140(a) of the Subdivision Ordinance to allow two of the lots to have less than 120' of depth abutting Holdrege Street. The north lot line abutting Lot 28, Block 4 can easily be adjusted to meet this requirement. Lot 24, Block 5 would be the only lot that could not meet this requirement due to the curve of the cul-de-sac.
18. The applicant has requested a waiver of Section 26.23.125 of the Subdivision Ordinance requiring a pedestrian way easement in Block 4 to the east. The area to the east is developed with single family acreage lots. However, a pedestrian way would provide pedestrian access to the east if the area urbanizes in the future.

19. A waiver has been requested to the Design Standards, Chapter 2 items 3.3 and 3.6 design standards relating to the depth and slope of sanitary sewers. The Public Works Department supports the waiver request.
20. A waiver has been requested to the Design Standards Chapter 2.15 section 3.4.3 relating to intersection approaches. The Public Works Department did not specifically comment on this request.
21. The developer has requested a waiver of Section 26.15.030(b) requiring a Use Permit on a portion of the property with the submittal of the Preliminary Plat for the church lot. Churches are permitted uses in the B-2 district. The area is included within the Preliminary Plat, and the sewer line is extended through the east end of it. A street connection to the north is required on the east side of the church lot. This waiver request is not acceptable.
22. The applicant has requested modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback. The applicant has not provided a rationale for the request. The property does not present unusual circumstances to justify placement of the signs in the front yard.

General

23. The Design Standards for Community Unit Plans require recreational facilities be provided to serve the needs of the residents of the development.
24. The developer has agreed to make the recreational facilities provided at the apartment complex available to the residents of the single family development.
25. The Parks and Recreation Department noted that a community recreation plan is required for the proposed multi-family development. Plans should include details of outdoor play courts, sand lot, and tot lot. Safety distances and play surface should meet Consumer Product Safety Commission standards. The play area should be accessible by a walkway. Shaded seating for adults supervising children should be provided in the vicinity of the play area.
26. Section 26.15.020(a) of the Subdivision Ordinance requires that all streets be projected 300 feet into the adjacent property. The site plan and street profiles must be revised to provide this information.
27. The applicant has proposed a multi-family area consisting of 216 units in the northeast corner of the site.
28. The proposed density and layout do not provide an adequate transition to the abutting property. The plans should be revised to show a layout that provides an adequate transition to the surrounding area to the north and east.
29. The Design Standards for Community Unit Plans (Chapter 3.35 Section 1.2) require a setback of at least 40 feet for multi-family buildings. The site plan shows smaller setbacks.
30. Additionally, the setback of the parking and garages along the eastern boarder of the multi-family area does not provide sufficient space for a landscape screen meeting design standards.

31. The minimal 5' setback provided along the east side of the multi-family area does not provide an adequate transition to the abutting property and is not consistent with the character and density of the surrounding area.
32. The applicant shows only one means of ingress and egress to the multi-family area. The plans should be revised to show additional entrance/exit locations.
33. The access easement adjacent to N. 84th Street and Lexington Avenue, on the church lot, has not been removed, as requested in the June 26, 2000 letter from the Planning Director. The driveway needs to be removed from the front yard setback.
34. The June 26, 2000 letter from the Planning Director indicated that traffic assumptions for the church lot were not included in the traffic study. The assumptions for this portion of the development must be addressed.
35. The June 26, 2000 letter from the Planning Director indicated that Section 26.23.030 of the Subdivision Ordinance requires a road connection to the north. A street connection to the north still is not shown.
36. As noted in the June 26, 2000 letter from the Planning Director, the church will be required to connect to the City sewer system once it is available. The connection to the city sewer system shall be in compliance with the Lincoln Plumbing Ordinance and shall be completed within six months of the day the sewer is available. Within 30 days of discontinuing use, the septic tank must be pumped and properly abandoned. An annual permit for the well is required.
37. The June 26, 2000 letter from the Planning Director indicated that the amount of parking provided was not adequate for all of the proposed uses. The Land Use table shows potential restaurant uses on Lots 3 through 8, Block 2. However, the parking count for those lots does not meet the minimum requirements for restaurants. The site plan and land use table must be revised to either provide adequate parking or to remove restaurants as a use.
38. The plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curblin to the existing or proposed right-of-way must be shown.
39. Additional right-of-way dedication along Holdrege street and along 84th Street is needed to construct the paving cross-section shown on the plans.
40. "Lexington Avenue" is immediately across the street from "Northern Lights Drive." An intersection with two different street names is confusing. "Lexington Avenue" should be changed to match the street name already in place to the west.
41. The storm water detention calculations do not address Lot 1, Block 3 (church lot.) The grading and drainage plan must be revised to include this lot.
42. The storm sewer downstream from Area C3 needs to be located in a 30' easement.
43. The pipe location and easement needs to be outside the area of the garage now shown in the same location.

44. The Health Department did not identify any serious negative environmental health impact from incompatible land uses.
45. The Health Department stated they endorse utilization of “urban village” concept when designing a sub-development to help minimize vehicle miles traveled subsequently reducing air pollution.
46. The Health Department had concerns regarding the increase in paved parking areas and accompanying increase of polluted runoff.
47. The Health Department noted that the development will need to meet the City’s Noise Control Ordinance, Chapter 8.24 L.M.C.
48. The June 26, 2000 letter from the Planning Director indicated that the landscape plan does not meet design standards. The plans have not been revised to provide the screening required at the north end of the multi-family development. Additionally, it does not appear that the landscaping shown in the B-2 and O-3 areas meets the design standards for landscaping in those districts.
49. It appears that additional screening is required on Lot 22, Block 5, adjacent to N. 86th Street.
50. The plat has not been revised to show the location, size and common name of all existing trees adjacent to and within the subdivision as required by Section 26.15.020(c) of the Subdivision Ordinance, and as requested by the June 26, 2000 letter from the Planning Director.
51. The Public Works Department noted that the information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to , location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes and the method of connection storm sewer inlets to the main system are not approved with the is review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

STAFF CONCLUSION: The purpose of providing preliminary plats is to “provide for the harmonious development of Lincoln and its environs; to prescribe the standards for the laying out of subdivisions in harmony with the comprehensive plan; for the coordination of streets and utilities within subdivisions with other existing or planned streets and utilities; for coordination of subdivisions with other features of the comprehensive plan...in such a manner so as to create conditions favorable to health, safety, convenience or prosperity...” (Section 26.03.0230)

The developer has included the northwest lot in the request for a change of zone and within the Preliminary Plat, but has not incorporated it within the annexation and use permit requests. The developer is requesting waivers of the subdivision requirements to provide a use permit over that area, and to project a street through that area to the north. Such requests are not consistent with the purpose of orderly development.

Churches are permitted uses in the B-2 district. The parcel could readily be incorporated into the proposed Use Permit. A street projection is necessary through the eastern side of that parcel to provide access and development opportunities to the property to the north. The sanitary sewer will be required to be extended from the north, along the eastern side of this parcel to serve the proposed development. The parcel must be annexed and included within the Use Permit.

STAFF RECOMMENDATION:

Conditional Approval

CONDITIONS SPECIAL PERMIT:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Submit certified information from an abstractor or an attorney indicating the current record owner(s) of all land within the limits of this application.
- 1.2 Revise the site plan to show:
 - 1.2.1 Provide a community recreation plan satisfactory to the Parks and Recreation Department.
 - 1.2.2 Add a note indicating that the single family dwellings will be granted access to the recreational facilities in the multi-family area.
 - 1.2.3 ~~Remove~~ Revise the "play area" designation ~~from on~~ Lot 10, Block 2, to "potential play area". (**Per Planning Commission, 4/18/01**)
 - ~~1.2.4 Change the name of "Lexington Ave." to "Northern Lights Drive" to match the street to the west. (**Per Planning Commission, 4/18/01**)~~
 - 1.2.5 Provide the street profiles and projections of streets 300 feet into the abutting property as required by 26.15.020(a).
 - 1.2.6 Revise the site plan to provide a ~~front and side yard~~ setback of 40' on the north, and a landscape screen on the east side of the multi-family area as required by design standards (Chapter 3.35, section 1.2.) (**Per Planning Commission, 4/18/01**)
 - ~~1.2.7 Revise the layout of the multi-family area to provide a better transition to the area to the north and east, considering the character of the area to the north and east. (**Per Planning Commission, 4/18/01**)~~
 - ~~1.2.8 Remove the signs from the front yard setback. Where a 50' front yard setback is shown, signs shall not be located in the front yard setback within the first 21'. (**Per Planning Commission, 4/18/01**)~~
 - 1.2.9 Revise Note 7 to remove the sentence "with the exception of the east side of N. 86th St. along the back side of Lots 11, 12, 21 and 22, and to add "which will be included with the street project." (**Per Planning Commission, 4/18/01**)
 - 1.2.10 Revise Note 9 to read "Direct vehicular access to N. 86th Street from Lots 9 and 10, Block 4; and Lots 1, 11, 12, 21 and 22, Block 5; N. 84th Street and Holdrege Street is relinquished except as shown.

- 1.2.11 Revise Note 13 to add the following "...provided the minimum lot width and area requirements of the underlying zoning district are met."
- 1.2.12 Revise the site plan to change the designation of "Outlot C" to be "Outlot B", since only two outlots are shown. Revise notes 15 and 34 to reflect this.
- 1.2.13 Add a note indicating that any relocation of LES facilities will be at the owner/developer's expense, except line along north side of Holdrege Street. (****Per Planning Commission, 4/18/01****)
- 1.2.14 Clarify the easements shown that are utility easements.
- 1.2.15 Show the location of the church's well and septic tank. Add a note indicating that the septic tank will be properly abandoned according to the Health Department regulations at the time of connection to City sewer. (****Per Planning Commission, 4/18/01****)
- 1.2.16 Revise note 23 to state "A common access easement will be provided over all drives and parking stalls on outlot "A" and "B", as such drives and parking stalls may exist."
- 1.2.17 Remove Note 24.
- 1.2.18 Combine Notes 26 and 29 to read "Commercial lots within the area of an approved Use Permit may be created without frontage to a public street if they have access to a public access easement in conformance with Section 26.23.140(g) of the Subdivision Ordinance."
- 1.2.19 Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details, and sidewalks on the west side only. (****Per Planning Commission, 4/18/01****)
- 1.2.20 Revise the landscape plan to meet design standards for screening in the yards surrounding the multi-family area (Chapter 3.5, Section 7.3.)
- 1.2.21 Revise the site plan to provide additional ~~entrances/exits to~~ from the multi-family area.
- 1.2.22 Revise the landscape plan to meet the design standards for screening residential lots backing onto public streets (Chapter 3.5, Section 7.4.)
- 1.2.23 Revise the landscape plan to meet the design standards for screening in the yards and around the buildings and church in the O-3 and B-2 districts (Chapter 3.5, Section 7.6.)
- 1.2.24 Show additional right-of-way along N. 84th and Holdrege Streets, to the satisfaction of the Public Works and Utilities Department.
- 1.2.25 Show water mains to the satisfaction of the Public Works and Utilities Department.

- 1.2.26 Revise the plans to show the transportation improvements and right-of-way dedication for all improvements to the satisfaction of the Public Works and Utilities Departments.
- 1.2.27 Revise the plan to show street widths of Lexington Ave. and 86th Street satisfactory to Public Works.
- 1.2.28 Revise the site plan to show the transportation improvements agreed to with the Public Works Department.

1. The City Council approves the associated requests:

- 2.1 Annexation #00006
- 2.2 Change of Zone #3255
- 2.3 Preliminary Plat #00011
- 2.4 Use Permit #128

3. This approval permits a Community Unit Plan consisting of 269 dwelling units.

General:

4. Before receiving building permits:

- 4.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.
- 4.2 The construction plans shall comply with the approved plans.
- 4.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

5. The following conditions are applicable to all requests:

- 5.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
- 5.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
- 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 5.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Jennifer L. Dam, AICP

**ANNEXATION NO. 00006;
CHANGE OF ZONE NO. 3255;
SPECIAL PERMIT NO. 1839, MORNING GLORY
ESTATES COMMUNITY UNIT PLAN;
USE PERMIT NO. 128;
and
PRELIMINARY PLAT NO. 00011,
MORNING GLORY ESTATES**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 21, 2001

Members present: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer; Hunter and Newman absent.

Planning staff recommendation: Approval of the annexation and change of zone, and conditional approval of the community unit plan, use permit and preliminary plat.

Proponents

1. Mark Hunzeker appeared on behalf of the applicant. He has discussed the report with the staff and believes there needs to be further discussion with staff. Hunzeker requested a two-week deferral to resolve several issues. He believes there may have been some miscommunications and there is at least one issue that did not come up in the previous meetings.

Schwinn moved to defer two weeks, with continued public hearing and administrative action scheduled for March 7, 2001, seconded by Carlson and carried 7-0: Krieser, Duvall, Carlson, Steward, Taylor, Schwinn and Bayer voting 'yes'; Hunter and Newman absent.

2. Mike Rierden appeared on behalf of the **Jehovah's Witnesses**. There are a couple of issues they are concerned about and will be talking with the applicant in the next two weeks. The Jehovah's Witnesses sold the property to this applicant and supports the project, but there are some issues that need further discussion and negotiation. Rierden is not sure two weeks is sufficient so they may request an additional deferral in two weeks if the issues are not resolved.

There was no testimony in opposition.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman and Schwinn; Bayer absent.

A written request by Michael Rierden on behalf of the University Park Congregation of Jehovah's Witnesses was submitted requesting a two-week deferral.

Proponents

1. **Mark Hunzeker** appeared on behalf of Holdrege Investors, L.L.C. and agreed with the request for a two-week deferral.

Duvall moved to defer, with continued public hearing and administrative action scheduled for March 21, 2001, seconded by Steward and carried 8-0: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, and Schwinn voting 'yes'; Bayer absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 21, 2001

Members present: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer; Schwinn absent.

Proponents

1. **Mike Rierden** appeared on behalf of the Jehovah Witnesses congregation. He indicated that he has spoken with the applicant, Don Linscott and Mark Hunzeker, and he requested a four-week deferral.

Mark Hunzeker, attorney for the applicant, Holdrege Investors, L.L.C., was in the audience and indicated his concurrence with the requested deferral.

Duvall move to defer four weeks, with continued public hearing and administrative action scheduled for April 18, 2001, seconded by Hunter and carried 8-0: Krieser, Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Schwinn absent.

There was no further public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 18, 2001

Members present: Krieser, Carlson, Schwinn, Steward, Newman, Taylor, Duvall and Bayer; Hunter absent.

Jennifer Dam of Planning staff submitted a letter from Scott Anderson, an adjacent property owner to the north, with concerns about street connection to the north and the alignment of the sanitary sewer as it comes through his property.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Holdrege Investors, L.L.C.**, the developer, and submitted proposed amendments to the conditions of approval. They have been working on this development proposal a long time and they were very near complete agreement at one point, but there remain a few big issues and a few minor issues to deal with.

This project is a proposal to rezone the area at the intersection of 84th & Holdrege from AG to O-3 along 84th Street to the north end of the property; to rezone a portion to R-4 for a multi-family complex in the northeastern portion; and the balance to R-3 for single family and duplex townhomes in the southeastern portion of the site.

With respect to the special permit, Hunzeker requested that Condition #1.2.3 be amended to read as follows: ~~Remove~~ Revise the “play area” designation from on Lot 10, Block 2, to “potential play area”. They wish to simply reflect that it could be used as a potential play area for a day care center as opposed to removing it.

Hunzeker requested that Condition #1.2.4, Change the name of “Lexington Ave.” to “Northern Lights Drive” to match the street to the west, be deleted. The name “Lexington Avenue” is the appropriate street name for the street that enters this site from 84th. On the west side of 84th the entrance to the shopping center has been renamed Northern Lights Drive, but everywhere else on this alignment it is known as Lexington Avenue and we think it is an appropriate designation and it is a very well known street in northeast Lincoln.

Hunzeker requested amendment to Condition #1.2.6 as follows: “Revise the site plan to provide a front and side yard setback of 40’ on the north, and a landscape screen on the east side of the multi-family area as required by design standards (Chapter 3.35, section 1.2.)”. This has to do with the multi-family area in the northeast corner. They had a rather lively discussion with staff about what the design standards mean as they relate to setbacks for multi-family buildings in these districts. Hunzeker believes that staff is in agreement with the proposed revised language.

Hunzeker requested that Condition #1.2.7, “Revise the layout of the multi-family area to provide a better transition to the area to the north and east, considering the character of the area to the north and east.”, be deleted. This is an area of disagreement with the staff. The staff is asking us to revise the layout of the multi-family area to provide better transition to the north and east. Hunzeker believes this site plan does provide that good transition. It is a difficult site to lay out. We have worked to revise the layout of the multi-family area in response to suggestions by the staff and concerns by various other city staff. There is a power line that cuts diagonally across this site as well as a detention cell which is required by the city stormwater requirements that really constrain this area in a way that makes it difficult to reconfigure. The developer has re-engineered the detention cell more than once and changed the configuration more than once. Hunzeker believes the proposal does a good job of utilizing the site working around the detention requirements and around the power line. There is no residential use of any kind to the north and the residential uses to the east are quite some distance away. They are acreages that are probably at least 5 acres each and the nearest house is a good 400-500 feet from this development’s east property line. This is an area that will be urbanizing in the next few years and there will be a continual growth of urban uses into this area.

Hunzeker request to delete Condition #1.2.8, “Remove the signs from the front yard setback.” The proposal requests six locations for ground signs along 84th Street within the front yard setback. The proposal provides a larger than required front yard setback along the west property line, and the applicant is requesting the ability to put ground signs along 84th Street in the same manner as has been permitted on the west side of the street. No objections were raised to the ground signs that are in the front yard on the west side of the street. The size of the signs in the O-3 is so limited that they cannot cause much of an obstruction and certainly these businesses are entitled to some identification.

Hunzeker request to amend Condition #1.2.9 as follows: “Revise Note 7 to remove the sentence “with the exception of the east side of N. 86th St. along the back side of Lots 11, 12, 21 and 22, add “which will be included with the street project.” He believes this is in conformance with the discussions with Public Works.

Hunzeker requested to amend Condition #1.2.13 as follows: “Add a note indicating that any relocation of LES facilities will be at the owner/developer’s expense, except line along north side of Holdrege Street.” This has been worked out with Public Works.

Hunzeker requested to amend Condition #1.2.15 as follows: "Show the location of the church's well and septic tank. Add a note indicating that the septic tank will be properly abandoned according to the Health Department regulations at the time of connection to City sewer." This has also been agreed upon with the staff.

As a result of discussions with the neighbor to the north and the church neighbor, Hunzeker requested to amend Condition #1.2.19 as follows: "Revise the site plan, grading and drainage plan and street profiles to show a road connecting to the north, with the appropriate details, and sidewalks on the west side only." A private roadway will be provided extending to the north that will be centered on the east property line of the church property. A waiver of sidewalks has been requested, except on the west side of that street. It runs along the detention cell and they do not want to have sidewalks right up against that detention cell.

Hunzeker requested that Condition #1.2.21 be amended as follows: "Revise the site plan to provide additional ~~entrances/exits to~~ from the multi-family area." This waives a pedestrian access to the east. The neighbors to the east are acreages and it is not likely to be redeveloped into an urban setting in the near future and he believes staff agrees.

Hunzeker requested the same amendments to the conditions of the preliminary plat and to add the following conditions:

2.7 Waiver of the pedestrian connection to the east in Block 4.

2.8 Modification of street design standards, Chapter 2.15, Section 3.4.3, relative to intersection approaches per plans.

and to amend Condition #3.2.3.1: "Half the cost of a ~~16"~~ 8" water main in Holdrege Street, adjacent to the plat."

Hunzeker suggested the same amendments to the use permit, adding Condition #2.5: Modifications under 27.27.080(h) and 27.31.100(h) to allow signs within the front yard setback.

Hunzeker advised that they have an agreement for the private roadway; they have worked out the agreement with the church relative to construction of that roadway; and they have agreed to include the church property in the annexation.

Steward asked the applicant to elaborate on comments in the Anderson letter. Hunzeker observed that Anderson is concerned about the scheduling of the construction of the roadway from Lexington Avenue north to his property line. He has restricted access on 84th Street and he will need to have the ability to get to his property from Lexington. Hunzeker agreed that Anderson needs that access and the developer is not opposed to providing it. This developer had previously proposed that the access be provided in a public access easement to be located at the time the use permit was approved on the church property. After discussions with the church, they have arrived at a permanent location for this road along the east property line of their property and this applicant will either construct or guarantee by bonding for that improvement at the time the first final plat is done to final plat the multi-family lot. So it will have to be done within no more than four years from the time the first final plat is approved, and Hunzeker believes their agreement with the church was that it will be done sooner than that.

Don Linscott, 5101 Central Park Drive, testified that the applicant has entered into a tentative agreement with the church, agreeing to have the roadway done by September of 2003.

With regard to the sanitary sewer issue that Anderson brought up, Linscott advised that the developer had originally proposed to put it down the easement where the power lines go. We have now agreed to take a look at putting the sanitary sewer along 86th Street over to Leighton and then back down to 84th. Linscott has asked the engineers to at least evaluate that to see if it is possible. The developer has had some long discussions with Public Works to allow further depth on the sanitary sewers where intersected with 84th, so they will take a look to see if it is possible.

Hunzeker believes it is just a matter of grades. If the grades work, this can be done without too much trouble.

Carlson referred to Condition #1.2.13 regarding the LES improvements. Hunzeker suggested that this is kind of a boiler plate condition that says the developer is responsible for relocating LES facilities, and that's generally the case everywhere. In this case, the developer is providing additional right-of-way and there are improvements being made in Holdrege Street at the request of the City which are not caused by this developer. If we have to move LES lines because of those improvements that are not necessarily this developer's responsibility, they will be done as part of the street project and share costs in the same proportions as the street project.

Linscott further commented that this is a difficult site to work on, especially with the power lines going through the property and with Holdrege Street eventually becoming an arterial street going out to the eventual East Bypass. In working with both Public Works and the Planning Department, Linscott believes there was some really good dialogue in working through this project and what is going to happen in the future. Even though it has taken a lot longer than he thought it would, he believes there was good cooperation between both departments and the developer in coming up with some solutions that were not easy.

Newman referred to the waiver of the pedestrian connection to the east in Block 4, and asked why the developer does not want to provide that connection. Hunzeker does not believe the pedestrian easement will ever be used, at least not in any meaningful timeframe. It's going into the back yard of an existing acreage lot. Hunzeker would be surprised if the acreage lots were redeveloped into urban sized lots in a timeframe that is meaningful here. Newman noted that this issue came up a couple weeks ago where there was no pedestrian connection and people were cutting through back yards. Hunzeker recalled that that one came up in part because in the previous subdivision they didn't think the area to the east was sewerable. This is a different situation because it is already developed.

There was no testimony in opposition.

Staff questions

Jennifer Dam stated that staff disagrees with four of the applicant's proposed amendments.

The staff disagrees with the proposed amendment to Condition #1.2.6 and the deletion of Condition #1.2.7, both of which have to do with design of the multi-family area. The area to the north and to the east is agricultural development now and there are grade differences to the north. Staff believes that there are ways to accommodate the same density with a design that could potentially integrate better in the future as the area is urbanized. The large multi-family buildings on the edge could provide difficulty for transitions in the future.

Staff also disagrees with the deletion of Condition #1.2.8 regarding signs in the front yard setback. The regulations for O-3 and B-2 do not allow signs in the front yard setback. There have been no unusual circumstances provided to the staff for this waiver. If there is an overwhelming feeling in the community that the signs should be located in front yard setbacks, then Dam suggested changing the ordinance rather than consistently granting waivers.

Staff disagrees with the amendment to Condition #1.2.9 relating to the sidewalks. The applicant has requested to waive the sidewalks along the residential lots and staff believes that a continuous sidewalk should be provided for the residential area.

With regard to adding Condition #2.7 to the preliminary plat, Dam stated that the staff anticipates that the area to the east will urbanize and we should have the foresight to provide that pedestrian connection to the east.

Response by the Applicant

Linscott addressed the multi-family area. When they first started looking at this area with the power lines, he was under the assumption that they would be able to change the power lines as was done up in the Landmark area next to the new high school site. Those power lines were moved along the property line. Unfortunately, this is a different type of line to move and it is more expensive. The developer then went to Kansas City and looked at a complex with a power line directly to the north and how they laid it out. With the grade changes and the detention pond, it made it very difficult to lay out the apartment complex. If we could have moved the power lines it would have given us a little more effective room, but we have to work within the constraints of the power line and how the land lays made that difficult.

With regard to the signs in the front yard setback, Linscott noted that across the street on Northwoods they have worked hard to make sure the ground signs match the building design, etc. In this development, there is a major bank that has signed a letter of intent and a fast food. They are going to see those signs in the front yard setback across the street. It makes it difficult trying to sell these parcels when you do not allow the signs. We do have more setback in the O-3 (from 20 to 50 feet) to keep the line along 84th consistent. It is on three locations in the B-2 that we have asked for the exception.

With respect to the sidewalk, Hunzeker agreed that the connection to the east is important. The sidewalk along the east side of No. 86th is something that can be put in place, but it is something that serves very little in the way of real pedestrian traffic. All of the lots that abut No. 86th Street do not front No. 86th Street. The frontage is all along 87th Street, Lavender Circle, etc. That is where people are likely to be walking. The need for pedestrian access is greater to get to the commercial area on the west side of the street.

Linscott further observed that it is very difficult to design around the detention cell and the power line. We thought we had been through the process of working out a design on it and apparently we were wrong in thinking that. It would be difficult to rearrange the multi-family in any way that doesn't involve re-engineering the site. We want to retain single family and townhomes in the southeast portion as transition from office and commercial space. If we can't do that because we have to re-engineer the entire site, we will probably end up with more multi-family and a less smooth transition than we tried to accomplish.

Carlson noted that the O-3 portion shows 50' front yard setback. It seems logical that it would be reasonable to allow someone to put a sign within the 21-50' area. Is there a sense of where the signs would be in relation to the street? Hunzeker believes it is shown at 10', but he agreed that they would like 21' a lot better than 50'.

Steward understands the difficulty with the location of the power line. Ostensibly it rightly negates this property for single family use, and he wondered whether the units will be required to be two-story. Linscott stated that they will be three-story.

Steward referred to the corner north of the power line. As long as that detention cell stays, then it is that corner that stays there for transition. Is there any possibility for duplex or smaller envelope multi-family units in that corner that give a lower profile as you move toward the other potential single family area? Hunzeker does not believe they are at the same level. They are cutting into the side of that hill with the multi-family site. Steward does not want to get into a design discussion, but the staff's notion is correct that there is a transition concern as long those are three-story units, and there is a significant slope from east to west. Hunzeker suggested that at that location it is higher on the north. This site will be lower than the property to the north as well as the property to the east. He does not believe they will impose a very large overwhelming type structure to anything that could happen on the north side.

Linscott also offered that in working with LES, you have to stay at a certain height under the poles (even the parking lots), so that was another constraint of what could be done grade-wise. In working with Anderson to the north, they have agreed to put additional landscaping in that area to make a better transition to the north.

Public hearing was closed.

SPECIAL PERMIT NO. 1839,
MORNING GLORY ESTATES COMMUNITY UNIT PLAN
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

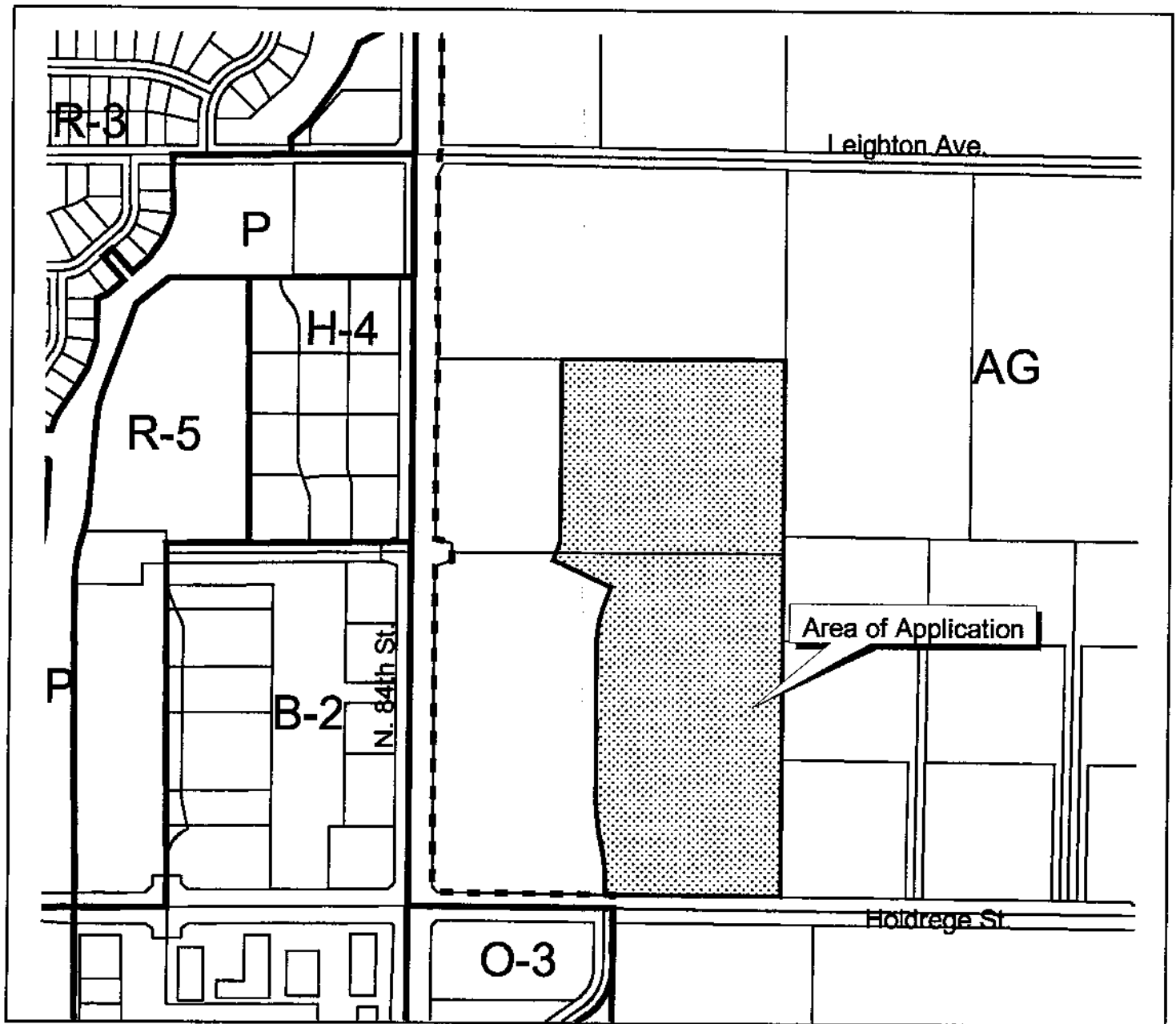
April 18, 2001

Bayer suggested that amendments made to this community unit plan will also considered as amendments made to the preliminary plat and use permit so that the amendments do not have to be revoked in each application.

Carlson moved to approve the Planning staff recommendation of conditional approval, as revised by staff, seconded by Steward.

Carlson moved to amend to include the proposed amendments by the applicant, except for the amendment to Condition #1.2.9 and the deletion of Condition #1.2.8. Carlson's motion would retain Condition #1.2.9 as written, with additional language at the end, "and to add which will be included with the street project". Condition #1.2.8 would be retained and amended to allow signs within the front yard setback where there is a 50' front yard setback, providing that no signs shall be located in the first 21'. Motion was seconded by Steward. Carlson wants the sidewalk to stay in and the signs to be allowed. Motion to amend carried 8-0: Krieser, Carlson, Schwinn, Steward, Newman, Taylor and Duvall voting 'yes;' Hunter absent.

Main motion for conditional approval, as revised, with amendments, carried 8-0: Krieser, Carlson, Schwinn, Steward, Newman, Taylor and Duvall voting 'yes;' Hunter absent.

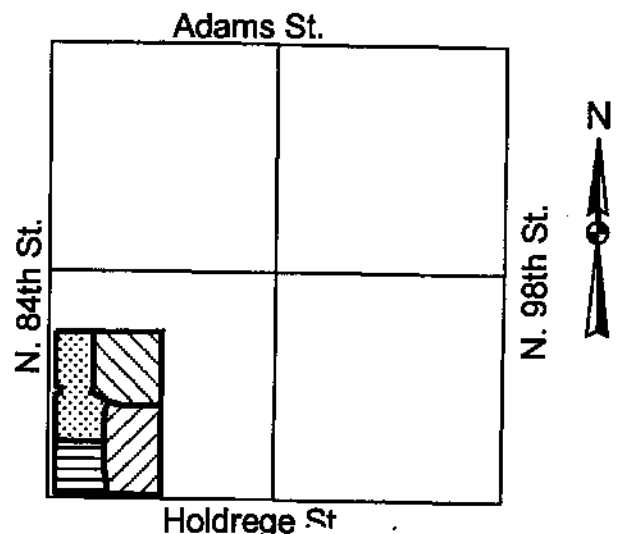
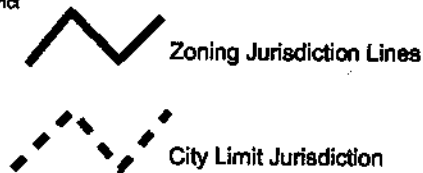


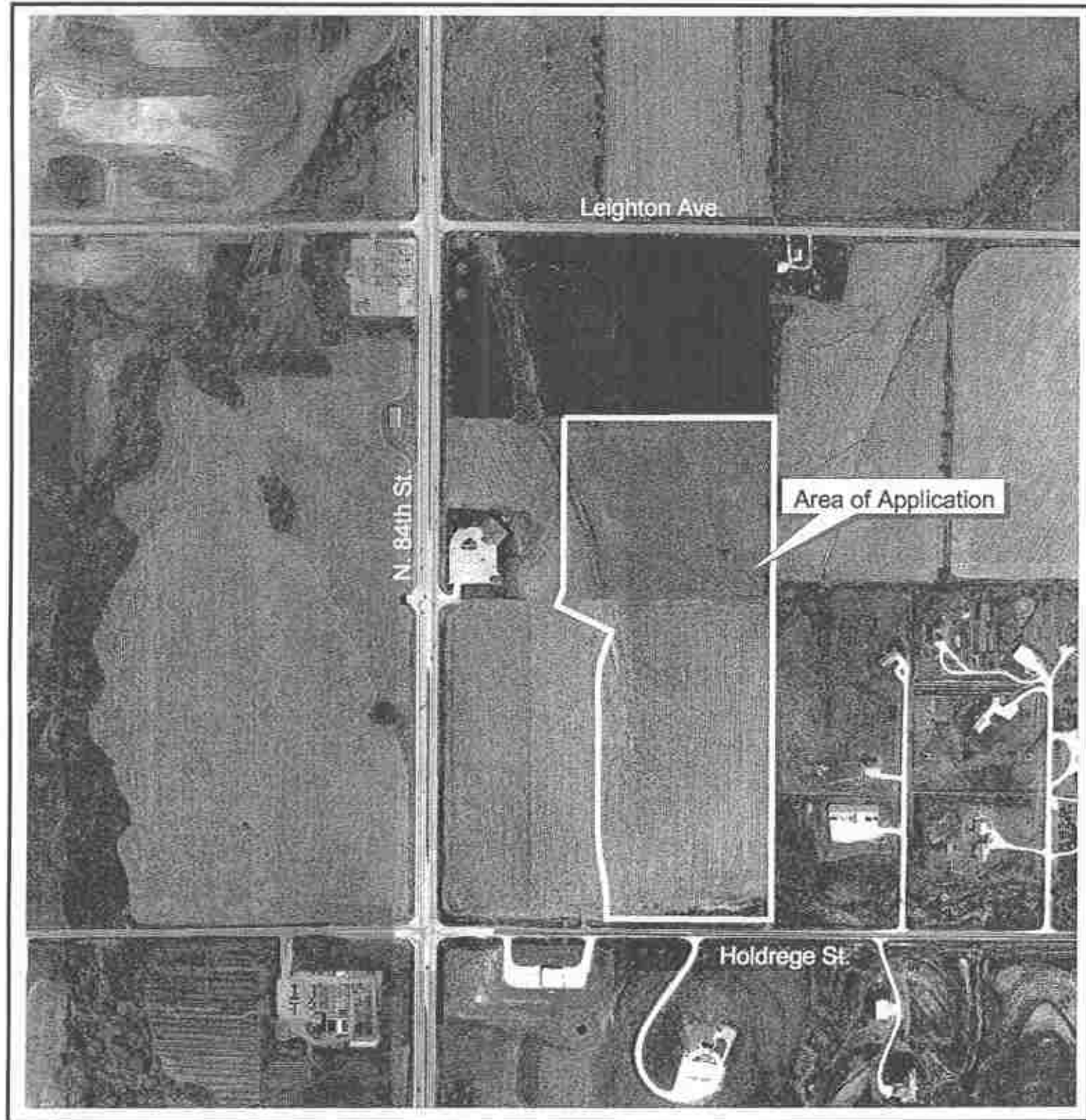
Special Permit #1839 N. 84th & Holdrege St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 14 T10N R7E





**Special Permit #1839
N. 84th & Holdrege St.**



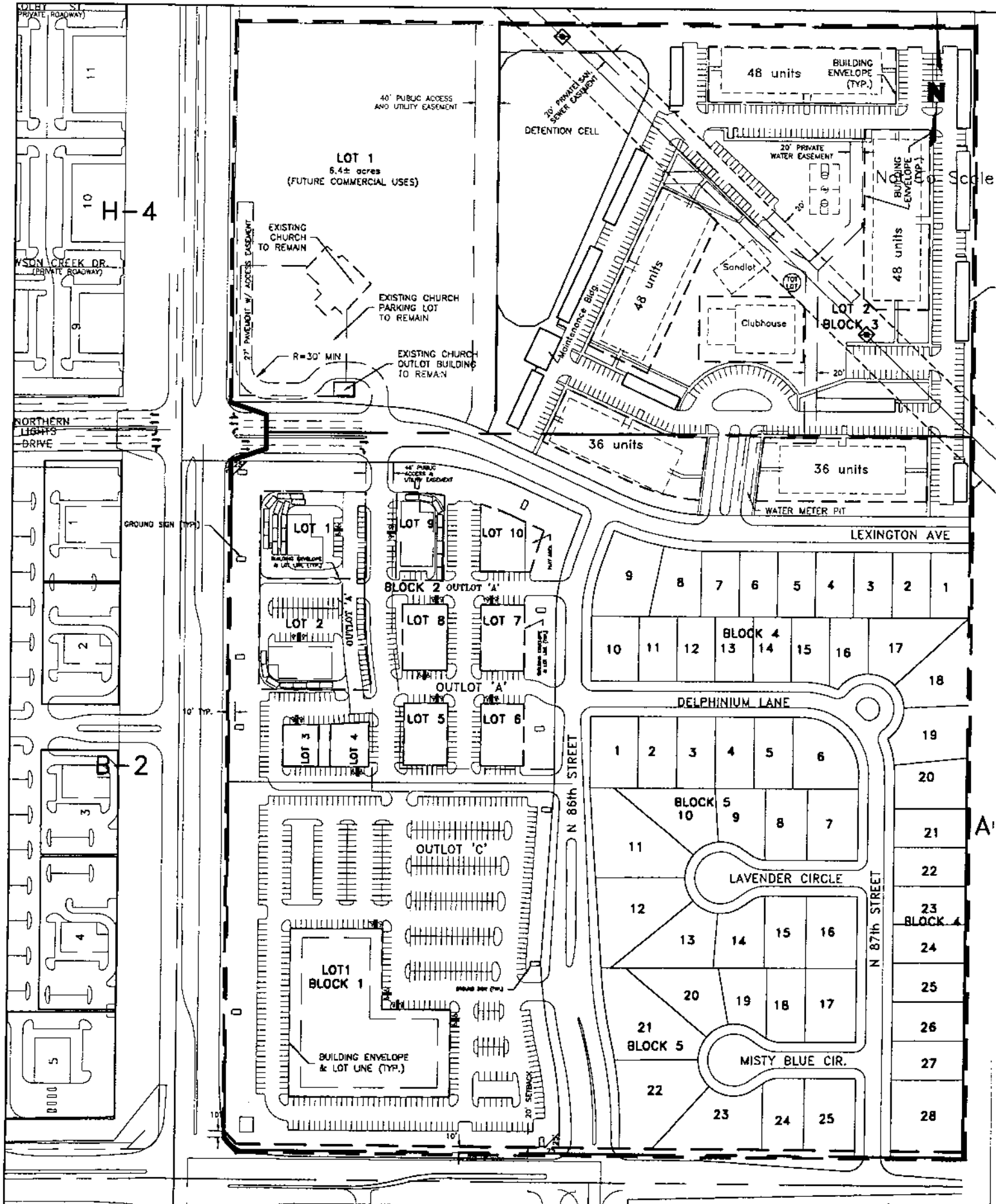
Sheet _____ of _____

Date: _____

Photograph Date: 1997

020

Lincoln City - Lancaster County Planning Dept.



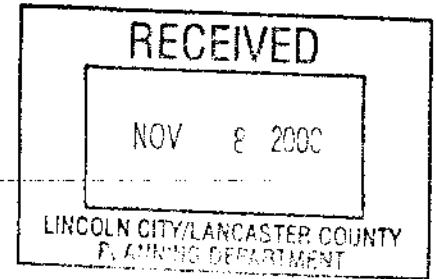
MORNING GLORY ESTATES

OLSSON ASSOCIATES
CONSULTING ENGINEERS

1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

021
Lexh08.dwg

M e m o r a n d u m



To: Jennifer Dam, Planning Department
From: Dennis Bartels, Public Works & Utilities
Subject: Morning Glory Estates Preliminary Plat, C.U.P., and Use Permit
Date: November 6, 2000
cc: Allan Abbott, Roger Figard, Virendra Singh, Lynn Johnson, John Huff

Public Works has reviewed the revised submittal for Morning glory Estates located at the northeast corner of 84th and Holdrege Street and has the following comments:

1. Water - As noted in the first report, this development should agree to pay half the cost of the 8" equivalent cost of the 16" water main in Holdrege adjacent to this plat. A water main needs to be shown along the unnamed street in Lot 1, Block 3.
2. Sanitary Sewer - Sanitary sewer is required from the north side of this plat to north of Leighton. This development is responsible for the cost of this construction. This development must pay the approved connection fee for outletting to the Regent Heights trunk sanitary sewer. The waiver requested for the sanitary sewer outlet depth is satisfactory.
3. Drainage and Grading - The plan shows a 40' easement for a future private street. The plan needs to be revised to show this street the same as other streets on the preliminary plat, provide street grades in accordance with standards, and revise the grading plan in accordance with the proposed street grades. It appears that significant grading is needed to build this street. This affects the storm water detention and other required grading in Lot 2, Block 3. Lot 1, Block 3 is included in this plat. The storm water detention calculations do not address this lot.

The storm sewer downstream from Area C3 needs to be located in a 30' easement. The pipe location and easement needs to be outside the area of the garage now shown in the same location.

4. Streets - The proposed street north of Lexington needs to be shown with required details, not just with a 40' easement and a note for a future street.

The plan needs to be revised to show the improvements that are tentatively agreed to for transportation improvements and right-of-way dedication or acquisition outside this plat. The dimensional relationship of the proposed curbline to existing or proposed right-of-way must be shown.

Additional right-of-way dedication along Holdrege Street and along 84th Street is needed to construct the paving cross-section shown on the plans.

5. The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Jennifer Dam	DATE: 11/30/2000
DEPARTMENT: Planning	FROM: Chris Schroeder ^{CS}
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Leon F. Vinci, MPH EH File EH Administration	SUBJECT: Morning Glory Estates

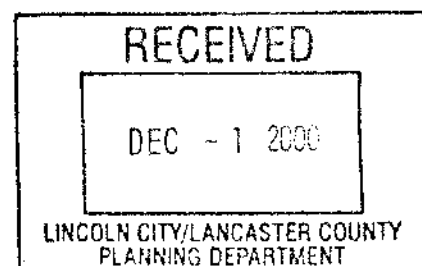
These comments are exactly the same as where provided on 10/25/2000.

The Lincoln-Lancaster County Health Department (LLCHD) has not identified any serious negative environmental health impacts from incompatible land-uses. In fact, LLCHD does endorse utilizing the "urban village" concept when designing a sub-development to help minimize vehicle miles traveled subsequently reducing air pollution.

With respect to storm water management, LLCHD does have some concerns regarding the increase in paved parking lots and the accompanying increase of polluted runoff. The applicant is encouraged to incorporate better parking lot designs which will minimize polluted runoff.

In addition, the applicant should review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am.

If you have any questions, please contact me at 441-6272.



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF00022**

Address

Job Description: Development Review - Fire

Location: MORNING GLORI ESTATES

Special Permit: Y 1839

Preliminary Plat Y 00001

Use Permit: Y 128

CUP/PUD: N

Requested By JENNIFER DAM

Status of Review Approved

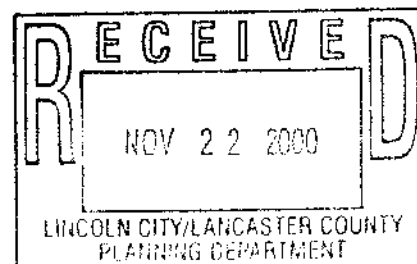
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



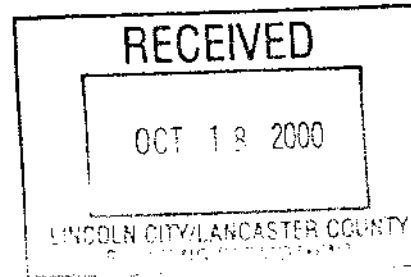
MEMORANDUM

DATE: 10-18-00

TO: Jennifer Dam, Planning Department

FROM: Dennis Duckworth

REG: Preliminary Plat of Morning Glory Estates SP 1839



Jennifer:

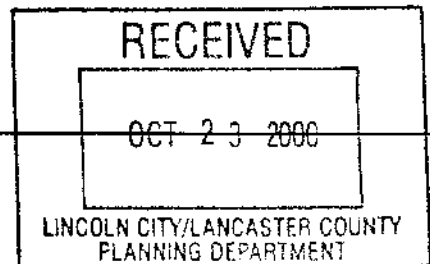
The Police Department has no problems with the resubmittal of the Preliminary Plat of Morning Glory Estates.

Thank you,

A handwritten signature in cursive script, appearing to read "Dennis Duckworth".

Sergeant Dennis Duckworth
Lincoln Police Department

SUPERVISOR, CUSTOMER SERVICE SUPPORT



October 20, 2000

Jennifer Dam
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992

SUBJECT: Prelim Plat 00001 – Morning Glory Estates CUP

Jennifer,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thankyou,

A handwritten signature in black ink, appearing to read "Ronald G. White".

Ronald G. White
Supv. Customer Service Support

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering


Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR



DATE: October 25, 2000

TO: Jennifer Dam
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: MORNING GLORY ESTATES PRELIMINARY PLAT 00001 AND CUP

Upon review, this office has no direct objections to this submittal.

LW/rln

DOCS\WWW\MorningGloryEstates.mpd



INTER-DEPARTMENT COMMUNICATION

DATE October 25, 2000

TO Jennifer Dam, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS
DN #18N-86E

Attached is the Resubmitted Preliminary Plat/CUP & Use Permit for Morning Glory Estates.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements. However, please label the 15' easement along the west line of Block 3, Lot 1 as "utility" easement.

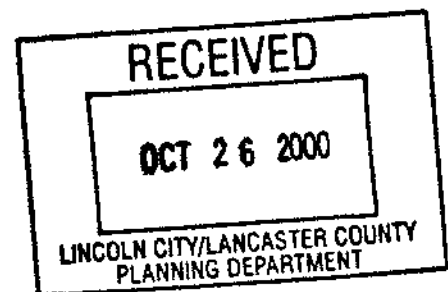
It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Sharon Theobald

ST/nh
Attachment
c: Terry Wiebke
Easement File



interoffice
M E M O R A N D U M

to: Jennifer Dam, Planning
from: Rachel Martin, Parks and Recreation
subject: Morning Glory Estates
date: November 28, 2000

Parks and Recreation Department staff have reviewed the above referenced proposal and have the following comments.

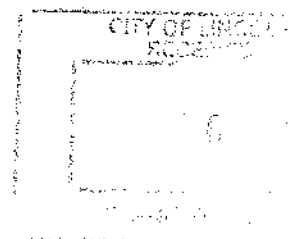
- 1) A community recreation plan is required for the proposed multi-family residential development on Lot 3, Block 3. Plans should include details of outdoor play courts, sand lot, and tot lot. Safety distances and the play surface should meet Consumer Product Safety Commission standards. The play area should be accessible by walkway. Shaded seating for adults supervising children should be provided in the vicinity of the play area. Please provide a community recreation plan for review.

Please phone me at 441-7936 with any questions or comments.

**LEGAL DESCRIPTION
C.U.P.**

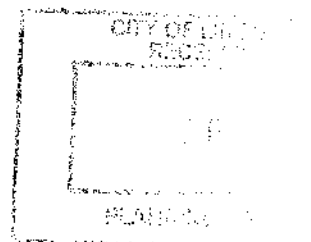
A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF A PORTION OF THE REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE REMAINING PORTION OF LOT 93 I.T., SAID POINT BEING 90.00 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 438.42 FEET TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 58 MINUTES 15 SECONDS EAST ALONG THE NORTH LINE OF SAID REMAINING PORTION OF LOT 93 I.T., A DISTANCE OF 796.96 FEET TO THE NORTHEAST CORNER OF SAID REMAINING PORTION OF LOT 93 I.T., THENCE SOUTH 00 DEGREES 02 MINUTES 52 SECONDS WEST ALONG THE EAST LINE OF SAID REMAINING PORTION OF LOTS 93 I.T., AND 94 I.T., A DISTANCE OF 1896.50 FEET TO THE SOUTHEAST CORNER OF SAID REMAINING PORTION OF LOT 94 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF SAID REMAINING PORTION OF LOT 94 I.T., A DISTANCE OF 624.27 FEET TO A POINT, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 43.74 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 600.00 FEET, ARC LENGTH OF 134.46 FEET, DELTA ANGLE OF 12 DEGREES 50 MINUTES 25 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 25 MINUTES 12 SECONDS WEST, AND A CHORD LENGTH OF 134.18 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 800.00 FEET, ARC LENGTH OF 177.56 FEET, DELTA ANGLE OF 12 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF NORTH 06 DEGREES 28 MINUTES 55 SECONDS WEST, AND A CHORD LENGTH OF 177.19 FEET TO A POINT OF TANGENCY, THENCE NORTH 00 DEGREES 07 MINUTES 25 SECONDS WEST, A DISTANCE OF 545.29 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 303.00 FEET, ARC LENGTH OF 105.69 FEET, DELTA ANGLE OF 19 DEGREES 59 MINUTES 09 SECONDS, A CHORD BEARING OF NORTH 09 DEGREES 52 MINUTES 10 SECONDS EAST, AND A CHORD LENGTH OF 105.16 FEET TO A POINT OF TANGENCY, THENCE NORTH 19 DEGREES 51 MINUTES 44 SECONDS EAST, A DISTANCE OF 90.57 FEET TO A POINT, THENCE NORTH 65 DEGREES 18 MINUTES 41 SECONDS WEST, A DISTANCE OF 201.91 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A COUNTER CLOCKWISE DIRECTION HAVING A RADIUS OF 400.00 FEET, ARC LENGTH OF 25.80 FEET, DELTA ANGLE OF 03 DEGREES 41 MINUTES 45 SECONDS, A CHORD BEARING OF NORTH 67 DEGREES 09 MINUTES 34 SECONDS WEST, AND A CHORD



LENGTH OF 25.80 FEET TO A POINT, THENCE NORTH 20 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 67.09 FEET TO A POINT, THENCE NORTH 00 DEGREES 02 MINUTES 52 SECONDS WEST, A DISTANCE OF 647.50 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 30.83 ACRES, OR 1,342,924.78 SQUARE FEET MORE OR LESS.

APRIL 21, 2000 (10:58AM)
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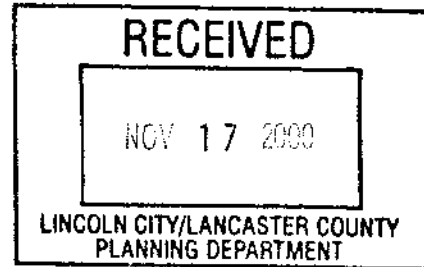




OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

14 November 2000

Ms. Jennifer Dam
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508



Re: Morning Glory Estates Preliminary Plat
#00011 & Use Permits
(REVISED LETTER)
OA Project No. 98-0113.03 and .04

Dear Jennifer:

Enclosed please find the following revised drawings for the above-mentioned project:

1. 19 copies of the Site Plan.
2. 9 copies of the Drainage and Grading Plan.
3. 5 copies of the Preliminary Street Profiles.
4. 6 copies of the Landscape Plan.
5. 3 copies of the Detention Cell Calculations.

The following comments are in response to the Staff Report dated 26 June 2000, and are reflected in the revised plans listed above:

1. The Exhibit included on the Site Plan has been revised to include the area of CUP and Use Permit.
- 2,3. The area of the CUP includes the proposed R-3 and R-4 zoning areas. Total allowed density within this CUP would be 312 units, and we are proposing to build 269 units. This area would allow 207 units if under an R-3 zoning only. We are requesting what would amount to a 16% increase in dwelling units. The proposed apartment area has a cluster density of 13.8 units/Ac., well below the 20 dwelling units/Ac. allowed under design standards, and we would also be under the 15 units/Ac. allowed under R-3 cluster density. The nearest home is approximately 400' away; no homes exist directly east or north of the apartment area; and future land use plans show these areas designed as Urban Residential. We have shown the required screening for the areas bordering the apartment area, a recreational area and clubhouse, adequate parking, and a layout and use that incorporates the existing L.E.S. power lines running through our site, an area not conducive to single family homes. We feel this request is within appropriate design standards for density and design. The clubhouse within the apartment area will be accessible to the single family lots for their use with an annual fee.

4. We have revised the plan to eliminate Lot 2 and create one lot with existing access from Lexington Avenue.
5. The area of Lot 1, Block 3, is developed as an existing Church and will remain as such until sometime in the future when commercial uses are desired. A use permit would then be required for this area. No proposed/future uses are known at this time. We have noted on the Site Plan under Lot 1, Block 3, (future retail/commercial uses) as requested. We would request a waiver of requiring a use permit for this area along with the change of zone.
6. This area was included in the assumptions for the Traffic Study using a general commercial designation. It is stated under the trip generation and distribution (Page 3). "The potential to develop an additional 30,000 s.f. on the property in the future would result in an additional 1,037 daily trips, 86 a.m. peak hour trips, and 66 p.m. peak hour trips." Additional revisions have been made at the request of Public Works.
7. The Site Plan has been revised to show a floor area ratio of less than 0.25 for the combined B-2 and O-3 areas, totaling 14.42 ac.
8. The B-2 area/layout has been revised to show adequate parking.
9. The O-3 area shows a 20' setback along the south and east property lines.
10. The setback along 84th Street along the proposed O-3 zoned property has been revised to show a 50' front yard as requested.
11. Violet Circle has been renamed Lavender Circle.
12. Phlox Lane has been renamed Delphinium Lane.
13. We are providing a 40' access easement for a future private roadway to the north as agreed in our meeting.
14. Note 7 has been revised to indicate that sidewalks will be provided on both sides of all public and private roadways, with exception of a waiver request of sidewalks along the east side of North 86th Street along the back side of Lots 11, 12, 21 and 22. No access is needed in this area which abuts double frontage lots.
15. The previous Note 24 has been removed.
16. Note 27 (previously #28) has been revised.
17. Notes 25, 31 (previously #32) and 33 (previously #34) have been revised.

18. The Landscape Plan has been revised to:
19. 1. Show required screening along the north with berming and landscaping by
20. the east property lines of the multi-family area.
2. Show additional screening along Holdrege Street for Lots 23 and 26, Block 5.
3. Show the location, size if over 6", and common names of all existing trees still on site.
21. We are requesting a waiver of Section 26.23.140(e) of the Subdivision Ordinance to allow double frontage lots along North 86th Street for Lots 11, 12, 21, and 22, in Block 5. The proposed lot depths range from 140' to 187' in this area.
22. We are requesting a waiver of Section 26.23.140(a) of the Subdivision Ordinance to allow residential lots with a depth of less than 120' along Holdrege Street.
23. We are requesting a waiver of Section 26.23.125 of the Subdivision Ordinance which would require a pedestrian way be placed through the single family lots along our east property to the east. Access is not needed to this area. 2-3 acreage lots exist to the east of this area.
24. The contours and elevations are to NAVD 1988 Datum. A general note on the Drainage and Grading Plan stated an incorrect datum, and it has been revised.
25. Lots 1-13, Block 4, which were submitted as duplex lots, have been revised to 9 single family lots.
26. General Comment.
27. Lot 1, Block 1, will be served with the sanitary trunk sewer to the north. An exhibit has been added to the Grading and Drainage Plan, Sheet 2 of 4, to show the planned route. We are requesting a waiver for a portion of this 8" sanitary trunk sewer, servicing Morning Glory Estates, to exceed 15 feet in depth. Due to the easement route available, a portion of the sewer will be going against grade and require deeper manholes.
28. General Comment.
29. Lot 1, Block 3, is not currently being developed. It has been added to the Drainage Plan and shown to sheet drain offsite to the north. The Grading and Drainage Plan has been revised to show 4.3 acres being detained in the Northern Lights Detention Cell. This amounts to less runoff than during the pre developed conditions. According to the Regent Heights 1st Addition/Northern Lights Addition Grading and Drainage Plan, the detention cell at Northern Lights will handle more runoff from this site than is being delivered.

30. The Drainage Calculations have been revised to meet the requirements of the Public Works Department.
31. The Grading Plan has been updated to show a swale to the detention cell.
32. The curve number of 61 for developed conditions has been revised to a curve number of 83.
33. Drainage areas' A2 and A3 have been reconfigured. A1 is the current area that drains into existing storm sewer in North 84th Street. The two pipes have a combined capacity of 24 CFS which is adequate for the 10-year runoff.
- 34,35. The Owner/Developer has agreed to eliminate the access to 84th Street from Phlox Lane. In exchange, the Public Works Department will not object to the North 87th Street and Holdrege Street access from the single family area. Without this access single family residents would have to travel through the office/commercial area causing additional congestion. In addition, the total number of lots would exceed the City's Design Standards (greater than 40 units) for one entrance/exit to this area if the 87th Street and Holdrege access were eliminated. Other alternatives like extending Misty Blue Circle to North 86th Street, would violate stacking requirements from North 86th Street to Holdrege Street. Lavender Circle cannot be extended to North 86th Street due to the steep grades in that area.
36. An access easement is being provided through Lot 1, Block 3, to give access to the property to the north.
37. The Site Plan has been updated to show proper alignment, left turn and through lanes, to align with the existing 33' pavement section on the south side of Holdrege Street.
38. The Developer requests the street name remain Lexington. Northern Lights Drive is a dead end commercial drive that should not continue through this development. The common name E-W through the City aligned with this street is Lexington.
39. The Site Plan has been updated to show improvements to Holdrege Street as per offsite improvement agreements.
40. The Site Plan has been revised to show proper opposing left turn geometrics.
41. The Site Plan shows 60' of right-of-way through North 86th Street and 50' through the residential frontage.
42. A left turn lane has been added to the plan as per offsite agreement.
43. Agreements have been reached concerning the offsite traffic improvements.

Ms. Jennifer Dam
Page Five
14 November 2000

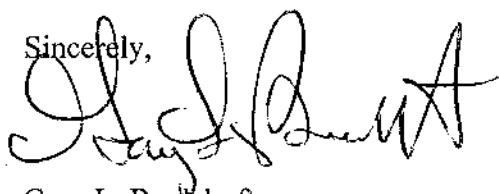
44. The Site Plan was submitted showing the 10-feet of right-of-way to be dedicated north of Holdrege Street from 84th Street to the east side of North 86th Street, for a proposed total of 60'.
45. The Owner/Developer has agreed to eliminate the North 84th Street access right in-right out at Phlox Lane.
46. The Grading Plan has been revised to protect the culvert and provide drainage in the ditch section.
47. The Grading Plan has been revised, showing no grading onto the property to the east. There will now be grading onto the property to the north. Written authorization is being submitted for the grading to the north.
48. The fire hydrants have been relocated as suggested.
49. General Comment.
50. The clubhouse within the apartment area will be accessible to the single family lots for their use with an annual fee.
51. A copy of the Wetland Mitigation Plan has been submitted to you.
- 52.-55. General Comments.
56. L.E.S. Easements are shown on the Site Plan as requested.

We would agree to the General Requirements 1., 2.1-2.7.

We are requesting a waiver to allow on-premises ground signs for each free standing pad site building in the setback as shown.

If you require further information or have any questions, please call.

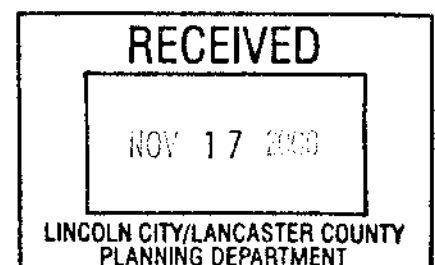
Sincerely,



Gary L. Bredehoft

Enclosures

cc: Don Linscott
Jerry Heinrichs
Mark Hunzeker





June 26, 2000

Gary Bredehoft
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RE: Morning Glory Estates Preliminary Plat #00011

Dear Gary:

Your preliminary plat has been reviewed by the county staff, the city staff and other agencies involved in land subdivision. The review found the plans will need revisions to bring them into compliance with the regulations. Those revisions include:

1. Revise the site plan to more clearly show the proposed zoning lines, and to clearly show the boundaries of the proposed C.U.P. and Use Permit.
2. You have proposed R-4 and R-3 zoning on the east side of the proposed development. You have not provided justification as to why the R-4 zoning is necessary. The area to the east is developed with rural residential uses. The proposed density of the multi family area is too high, given the abutting uses. The residential development is shown in a proposed community unit plan, however a recreation plan has not been provided for the area of the C.U.P. The area of the C.U.P. does not show creative design, which is the purpose of a C.U.P. Revise the plan to show a density that would provide a better transition to the rural residential uses to the east.
3. The number of units proposed in the area proposed for R-4 zoning exceeds the maximum number allowed under the density calculations.
4. Revise the plan to provide access to a public or private road to Lot 1, Block 3. The access easement shown adjacent to N. 84th Street is not acceptable.
5. Revise the plan to indicate the proposed future uses/commercial area of Lots 1 and 2, Block 3.



6. Lots 1 and 2, Block 3 were not included in the assumptions for the traffic study. The assumptions for this portion of the development should be included.
7. The development area tables for the O-3 and B-2 areas incorrectly calculate the floor area ratio. Based on the information provided for the total acreage of those areas, the proposed development has a floor area ratio of 26.68% in the B-2 area (excluding the church lots) and 29.7% in the O-3 area. This is not in conformance with the Comprehensive Plan which states that "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio of 0.25." (p. 43) There does not appear to be unusual circumstances to warrant a higher floor to area ratio on this site.
8. The plans do not provide adequate on site parking for the proposed uses on Lots 1 through 7, Block 2. You have not provided information to show that the parking south of Phlox Lane would serve non-concurrent demand. Revise the plans to provide adequate parking within the area of the proposed uses.
9. Revise the plans to show a 20' front yard setback along all of the proposed front yards abutting the area proposed for O-3 development.
10. For consistency, the plans should be revised to show a 50' front yard setback along N. 84th Street.
11. Rename Violet Circle, it too closely approximates an existing Violet Street.
12. Rename Phlox Lane, as it too closely approximates Fox St.
13. Revise the plans to show a road connection to the north as required by Section 26.23.030 of the Subdivision Ordinance.
14. Sidewalks are required in both sides of all streets. Revise note 7 to indicate that sidewalks will be provided on both sides of all public and private streets.
15. Remove note 24. Plats cannot be approved administratively when right-of-way is dedicated.
16. Revise note 28 to reflect Section 26.23.140(g) of the Subdivision Ordinance which stipulates the circumstances under which a lot is not required to front upon and take access to a public or private street.

17. Revise notes 25, 32 and 34 to reflect and make reference to Chapter 27.71 of the Zoning Ordinance, which stipulates the requirements for projections from buildings, patios, eaves, etc.
18. Revise the landscape plan to show the required screening along the north and east lines of the proposed multi-family lot.
19. Additional screening is required along the lot lines abutting Holdrege Street of Lots 23 and 26, Block 5.
20. Revise the plat to show the location, size and common name of all existing trees within and adjacent to the subdivision as required by Section 26.15.020(c) of the Subdivision Ordinance.
21. Section 26.23.140(e) of the Subdivision Ordinance states that the residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with a double frontage unless the subdivision abuts a major street. N. 86th Street is not a major street. The plat should be revised to meet the requirements of the subdivision ordinance.
22. Revise the lots so that the residential lots abutting Holdrege Street have a minimum depth of 120', as required by 26.23.140(a) of the Subdivision Ordinance.
23. Provide a pedestrian way to the east as required by 26.23.125 of the Subdivision Ordinance.
24. Revise the contours and elevations to NAVD 1988.
25. Lots 1-13, Block 4 do not meet the minimum lot area requirements for the R-3 zoning district.
26. The Public Works Department noted that the proposed water system is satisfactory. The City subsidized half the costs of the 8" equivalent cost for construction of the 16" water main. With the annexation this development should be required to pay this cost to the City.
27. The Public Works Department noted that this plat with the exception of Lot 1, Block 1 cannot be served with sanitary sewer until an outlet is built to the north. At this time there are no outlets planned to the north.

28. This plat is served by the Regent Heights trunk sewer. This development must agree to pay the approved connection fee for outletting to this sewer at the time of annexation.
29. The Public Works Department noted that the drainage study and grading plan are incomplete. Lots 1 and 2, Block 3 are not included in the drainage study calculations. The preliminary plat contains almost 54 acres. The plan shows storm water being detained in Northern Lights. The Northern Lights detention was not approved assuming providing detention for this development. More detention information is required to meet design standards.
30. The Public Works Department stated that design standards require a 10 year design storm for commercial area. The calculations are for a 5 year design.
31. The Public Works Department noted that the grading for the 30" storm sewer outlet downstream from C5 is not acceptable. The grades shown will create maintenance problems.
32. The Public Works Department stated that the detention calculations show a curve number of 61 for post development conditions and a curve number of 75 for predevelopment. 61 is too low for developed lots.
33. The Public Works Department stated that the storm sewers downstream from A2 and A3 outlet to existing storm sewers. The study needs to verify that downstream pipes are adequate.
34. Public Works objects to the private roadway Phlox Lane intersecting 84th Street. There is controlled access to 84th. Design standards say intersections with major streets should be limited to 1/4 mile spacing. Since this intersection violates design standards and access control has been purchased this intersection should not be approved. The city has been criticized by the Nebraska Department of Roads and the Federal Highway Administration for requesting the similar break on the west side of 84th.
35. The intersection of 87th with Holdrege violates design standards with its spacing from 86th Street and should be eliminated. The traffic study shows traffic numbers that do not justify another intersection.

36. Design standards require that the street system in this plat be extended to the north property line. The north plat dimension is 1235'. Forcing a street to be built to the north when property to the east is developed will create a situation where the 1/4 mile block length requirement is violated. The Public Works Department finds no engineering reason to recommend a deviation.
37. The design of the intersection of 86th and Holdrege is unsatisfactory. The alignment of the left turn lanes and thru lanes must be considered. The 16' wide median at Holdrege appears to prevent proper alignment.
38. The street named Lexington needs to be revised to Northern Lights Drive to match the street names west of 84th.
39. The subdivision ordinance requires curb and gutter in Holdrege Street adjacent to this plat. None is proposed.
40. The medians and turn lanes at Northern Lights Drive do not provide proper alignment for the required left turn lanes and must be revised.
41. Additional details must be provided to show the relationship of the right-of-way along 84th and Holdrege to the recommended lane configuration shown in the traffic study.
42. The improvements to Holdrege Street must include provisions for a left turn from Holdrege into 86th Street.
43. Upon final review and approval of the traffic study, agreement must be reached concerning the off-site traffic improvements identified in the traffic study. The study as submitted identifies potential future capacity problems. The approval of this project will add to these potential problems.
44. The County Engineer has requested that an additional 10 feet of right-of-way be dedicated along Holdrege Street from N. 84th to the east side of N. 86th Street.
45. The County Engineer has requested that access to N. 84th Street and Holdrege Street be relinquished, except at Lexington Avenue at N. 86th Street and N. 87th Street. The County purchased controlled access along N. 84th Street which does not allow the connection of Phlox Lane.

46. The County Engineer noted that there is an existing 42" culvert under Holdrege Street approximately 200' east of N. 86th Street. The proposed grading will fill over the outlet and there is no provision for this drainage.
47. The County Engineer noted that grading extends beyond the limits of this plat in the northeast corner. Documentation must be submitted authorizing work on adjacent property.
48. The Fire Department noted that two hydrants are located in an unusable location in the Lot 3, Block 3 portion of the plat. The fire hydrants located adjacent to the 48 unit structure on the west end of the plat and the other in the center of the complex should be relocated to the north side of the structure adjacent to the parking lot, and the other should be relocated to a spot adjacent to the clubhouse next to the parking lot.
49. The Parks and Recreation Department noted that a neighborhood park of eight to ten acres will be needed to provide outdoor recreation facilities and open space for future residents as the section of land around the proposed development builds out.
50. The Parks and Recreation Department noted that a community recreation plan is required for the proposed multi-family residential development. It appears that an outdoor play court and sand lot are proposed. In addition, a small play area with a climbing structure and swing is recommended. Safety distances and the play surface should meet Consumer Product Safety Commission standards. The play area should be accessible by walkway. Shaded seating for adults supervising children should be provided in the vicinity of the play area. Please provide a revised community recreation plan for review.
51. Your letter of application notes that a wetland mitigation plan is being developed. Please submit a copy of the wetland mitigation plan for our review.
52. The Health Department noted that an annual well permit will be required for the well used by the church.

53. The Health Department noted that the church will be required to connect to the City sewer system once it is available. The connection to the city sewer system shall be in compliance with the Lincoln Plumbing Ordinance and shall be completed within six months of the day the sewer is available. Within 30 days of discontinuing use, the septic tank must be pumped and properly abandoned.
54. The Health Department noted that provisions should be made to retain as much of the existing tree mass as possible.
55. The Public Works Department noted that the information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.
56. Provide easements requested by LES and add a note stating that "any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

In addition you should be aware of the following general requirements:

1. You must complete the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, at your own expense, in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

2. You must agree:

- 2.1 To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- 2.2 To complete the private improvement shown on the preliminary plat.
- 2.3 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 2.4 To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- 2.5 To submit to the lot buyers and homebuilders a copy of the soil analysis.
- 2.6 To pay all improvement costs.
- 2.7 To comply with the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

I cannot recommend approval to your preliminary plat until all of the above revisions have been made and the issues have been resolved. Following the review of the revised plans and your response to the issues, I will reconsider my recommendation.

All deviations from the Land Subdivision Ordinance and the adopted Design Standards are to be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent of the Land Subdivision Ordinance and why the deviation should be accepted are to be submitted with the revised preliminary plat. Refer to Section 26.15.030(d) of the Lincoln Municipal Code.

The next step in the review process requires a written response from you indicating agreement or disagreement with each of the preceding revisions and general requirements. The Plans must be submitted 5 Mondays before the Planning Commission hearing.

Please find attached reports from other departments who reviewed your plans.

The Planning Staff will gladly assist you in processing this plan and you may contact Jennifer Dam (441-6362.)

Sincerely,



Kathleen A. Sellman, AICP
Director of Planning

Attachments


cc: Don Linscott
University Park Congregation of Jehovah's Witnesses
Dennis Bartels, Public Works & Utilities
Lincoln Electric System
Aliant Communications
City-County Health Department
Building & Safety
Parks & Recreation
County Engineering
Fire Department
Police Department
File

M e m o r a n d u m

RECEIVED

FEB 14 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

To: Jennifer Dam, Planning Department
From:  Dennis Bartels, Public Works & Utilities
Subject: Morning Glory Estates Preliminary Plat
Date: February 7, 2001
cc: Roger Figard, Nicole Fleck-Tooze, Virendra Singh

Public Works has reviewed Morning Glory Estates Preliminary Plat revisions and the annexation and zoning agreement and has the following comments:

1. Street System - 86th Street needs to be extended north from Lexington Avenue to the north line of the plat. The grading plan needs to be revised to show this street. A street grade needs to be submitted. This street and accompanying utilities should be built when Lot 2, Block 3 is developed. The street is needed to facilitate development to the property to the north.

The street widths of Lexington and 86th Street as shown on the plat are unsatisfactory to meet design standards. Lexington to 86th and 86th to Holdrege serves the commercial zoning and needs to be a minimum of 33' wide. The transition from 33' to 27' for Lexington should occur east of the apartment driveway.

The improvements shown on the site plan for 84th Street and for Holdrege do not match the verbal agreements Public Works and the developers engineer have reached concerning the design. The annexation agreement also needs to be revised to match this tentative agreement.

2. Drainage - The drainage study and grading plan need to be revised to show the grading referenced in the street comments.
3. Sanitary Sewer - The sanitary sewer system as shown is satisfactory. The annexation agreement shows the connection fee requirement for the Regent Heights trunk sewer.
4. Water - A public water main needs to be shown in 86th Street north of Lexington.

The 16" main required east of 86th in Holdrege is eligible for a subsidy equal to the difference between the cost of the 16" main and a 6" equivalent for that length.

MEMORANDUM

TO: Planning Commission
FROM: Jennifer Dam, Planning JD
DATE: February 14, 2001
CC: Dennis Bartels, Public Works
file
RE: Additional conditions for Morning Glory Estates

Attached is a memo from Dennis Bartels. This memo was not received until the staff report had already gone to the printer.

Please add the following conditions of approval:

Special Permit

- 1.2.27 Revise the plan to show street widths of Lexington Ave and 86th Street satisfactory to Public Works.
- 1.2.28 Revise the site plan to show the transportation improvements agreed to with the Public Works Department.

Preliminary Plat

- 1.2.24 Revise the plan to show street widths of Lexington Ave and 86th Street satisfactory to Public Works.
- 1.2.25 Revise the site plan to show the transportation improvements agreed to with the Public Works Department.

Use Permit

- 1.2.23 Revise the plan to show street widths of Lexington Ave and 86th Street satisfactory to Public Works.
- 1.2.24 Revise the site plan to show the transportation improvements agreed to with the Public Works Department.

J. Michael Rierden
ATTORNEY AT LAWCHANGE OF ZONE 3255
SPECIAL PERMIT 1839
PREL. PLAT NO. 00011
USE PERMIT NO. 128(p.77-Cont'd Public Hearing
3/07/01)TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948THE COTSWOLD
646 "M" STREET
SUITE 200
LINCOLN, NE 68508

March 6, 2001

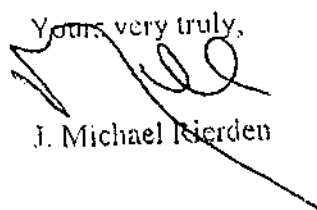
Jennifer Dam
Planning Department
555 South 10th Street
Lincoln, Nebraska 68508RE: Annexation No. 0006, Change of Zone 3255, Special Permit No. 1839,
Preliminary Plat No. 00011 and Use Permit No. 128

Dear Jennifer:

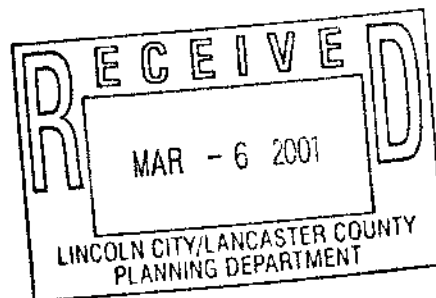
As you know I represent the University Park Congregation of Jehovah's Witnesses. I have spoken with Don Linscott and both he and my clients would like to have the aforementioned matters continued for public hearing for two weeks so that the issues which we discussed on March 2, 2001 can be addressed.

If you should have any questions please feel free to contact me,

Yours very truly,


J. Michael Rierden

JMR/jdr

cc: Gary Crowl
Don Linscott
Mark Hunzeker

049

HAND DELIVERY

April 18, 2001

Jennifer Dam
Lincoln/Lancaster County Planning Department
555 South 10th Street
Lincoln, Nebraska

RE:

Ms. Dam,

The following is offered regarding the proposed development located along the east side of North 84th Street, north of Holdrege Street. I own property located adjacent to the north property of the proposed development. The developer and I have met to discuss several issues. The remaining issue is the construction schedule of the north/south private street along the west limit of the development. It is my opinion this private street is should be included with construction of the apartment complex rather than at a later date.


As you are aware, access to 84th Street from my property will be limited to Leighton Avenue and the private street shown in the Morning Glory development. If postponed, the street construction may not occur within the foreseeable future and will limit development opportunities on my property. Normally, this would not be a concern. However, development of the Morning Glory site is dependent upon construction of a sanitary sewer through my property. It is my fear that value of my property will be accelerated and necessitate development to offset increases in real estate taxes.

Secondly, the developer and I have not reached a conclusion on the final alignment of the sanitary sewer. Initially, we had agreed to place the sewer within the existing LES easement. This alignment was acceptable until the north/south private street was added to the Morning Glory plan. It is my opinion that a mutual sanitary sewer alignment should be required with approval of this application.

Based upon the above, it is respectfully requested that conditions of approval include the following:

Construction of the north/south private street be required as part of the apartment development
Final alignment of the sanitary sewer extension between 84th Street and the Morning Glory development be of mutual agreement between the Morning Glory developer and myself.

Sincerely,


Scott Anderson